

REMARKS

Claims 33 and 72 are canceled.

New claims 84-85 recite the subject matter of claim 48 but are expressed in alternate claim formats rather than method format.

I. ISSUES NOT RELATED TO PRIOR ART

A. OATH/DECLARATION

The Office Action stated that the oath or declaration is defective for failing to state a “complete post office address.” Applicants’ representative has reviewed the declaration in the Image File Wrapper (IFW) and the objection appears to be incorrect. The declaration is the fifth document from the bottom of the IFW document listing. The second page of the declaration, a duplicate copy of which is attached to this reply, presents the signatures of all inventors and their mailing address that was in effect when the declaration was signed: Building A, Long Island House, 1-4 Warble Way, London W3 0RG United Kingdom. The applicable rule—37 C.F.R. 1.63(c)(1)—requires providing the mailing address of each inventor, and the “residence” if the residence is different than where the inventor customarily receives mail. The declaration as originally filed states a then-current mailing address for each inventor and is in compliance with Rule 63(c)(1). Reconsideration is respectfully requested.

B. DRAWINGS

The Office Action objected to FIG. 1. A substitute sheet for FIG. 1 is filed concurrently herewith and includes reference signs 2, 3, and 4. Reconsideration is respectfully requested.

C. SPECIFICATION

The Office Action objected to the title of the invention. The title is amended herein. Reconsideration is respectfully requested.

D. CLAIMS 6, 48—35 U.S.C. 112, SECOND PARAGRAPH

The Office Action rejected to claim 6 as reciting polygons with curved lines. Claim 6 is amended to recite polygons with straight lines, consistent with dictionary definitions.

The Office Action stated a rejection of claim 48 but the supporting rationale merely states a proposed interpretation of the claim. The proposed interpretation is incorrect. A method can readily give priority to windows requiring less computing resources—for example, the method could give higher priority and display first those windows that consist of static HTML text, and could give lower priority and display last those windows that include complex animated graphics or other content needing extensive computing resources. There is no basis for asserting indefiniteness under 35 U.S.C. 112, second paragraph, and no amendment is necessary.

Reconsideration is respectfully requested.

E. DOUBLE PATENTING

The Office Action provisionally rejected claim 1, 5, and 68 under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claim 72 of application 10/864660 and claim 180 of application 10/864906. Applicant disagrees that the claims are obvious or anticipated. To advance prosecution, terminal disclaimer fees and terminal disclaimers with respect to application 10/864660 and application 10/864906 are submitted concurrently herewith. Reconsideration is respectfully requested.

II. ISSUES RELATING TO PRIOR ART

A. CLAIMS 1-16, 18, 26-34, 37-40, 51-53, 55-57, 63-70, 72 AND 83—ROVIRA

Claims 1-16, 18, 26-34, 37-40, 51-53, 55-57, 63-70, 72 and 83 stand rejected under 35 U.S.C. 102 as allegedly anticipated by Rovira U.S. Pat. No. 6,795,972. The rejection is respectfully traversed.

A rejection under §102 is traversed if the claims recite one or more features, elements, steps or limitations that are not found in the cited reference. Stated another way, the cited reference must teach or disclose each and every feature of the claims, arranged as in the claims. *See Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983). The claims of the present application contain features not found in the reference, and therefore the rejection is overcome.

Claim 1 and all independent claims now feature the subject matter of claim 33, which is canceled, and provide that “the virtual space is initially rendered such that the viewer is positioned at one of a number of predetermined points of entry into the virtual space.”

Addressing claim 33, the Office Action contended that the quoted feature is found in Rovira

10:60. This is incorrect. Rovira 10:60 states:

viewpoint of her avatar. In any manner, VR-MS-UI 100B allows the user to cause Avatar One 410 to walk around the ⁶² landscape. The 3D World given by VR-MS-UI 100B is an area where a user can walk along and watch events on the Media Wall 430. As shown in FIG. 4, the Media Wall 430

These lines provide no description of initially rendering a viewer at one of a number of predetermined points of entry into the virtual space. The passage has no description of predetermined points of entry. A general statement about walking around the landscape “in any manner” does not describe placing a viewer at one of a number of predetermined points of entry. For at least this reason, all independent claims are patentable over Rovira. Since the amendment incorporates a previously presented claim that was searched and addressed in the Office Action, the amendment cannot necessitate a new search or application of new references.

Each of the independent claims 1, 55, and 68 incorporates the foregoing feature and is allowable over Rovira for the reasons stated above. Each of the remaining dependent claims 2-16, 18, 26-34, 37-40, 51-53, 56-57, 63-67, 69, 70 and 83 depends directly or indirectly from claim 1, 55, and 68 and therefore incorporates the foregoing feature by dependency. Accordingly, each of the remaining dependent claims is allowable for the same reasons stated above for claim 1.

Further, each of the remaining dependent claims recites subject matter that independently renders it patentable over Rovira. For example, claim 40 recites that the map highlights any one or more of the following: the predetermined points of entry into the three dimensional virtual space, the fixed start and stop locations of the rapid viewer movement mechanisms, and navigational reference objects. The Office Action relies on Rovira 8:44-45, which states:

45 VR Dashboard **210**. Moving the Throttle **240** forward would cause the virtual vehicle to travel faster down the road ahead to another desired location. In a non-limiting example,

The cited passage says nothing about highlighting, on a map, the predetermined points of entry, fixed start and stop locations, or navigational reference objects. FIG. 2 element 220 of Rovira, depicting a map, likewise fails to show the predetermined points of entry, fixed start and stop locations, or navigational reference objects. For at least this reason, claim 40 is allowable over Rovira.

B. CLAIM 17—ROVIRA IN VIEW OF STRASNICK

Claim 17 stands rejected under 35 U.S.C. 103 as allegedly unpatentable over Rovira in view of Strasnick U.S. Pat. No. 5,861,885. The rejection is respectfully traversed.

The Office Action contends that Strasnick FIG. 1-2B, especially FIG. 2A referring to Europe, teaches some of the channels being arranged in a grid-like pattern. The Office Action contends that Strasnick suggests that European cities include grid-like channels or roads. Applicant disagrees. Claim 17 depends from claim 1, which recites “providing a means of virtual navigation that changes the viewer's position in the space in such a manner as to simulate movement through a plurality of predefined channels in the virtual space.” Claim 17 states that some of the channels are arranged in a grid-like pattern. However, the complete combination recited in claim 17—which includes claim 1—provides that virtual navigation can occur through the channels. Strasnick provides no description or suggestion that a user can perform virtual navigation through the spaces between columns or cells shown in FIG. 1-2B. Indeed, Strasnick **teaches away** from the claimed combination by stating that navigation occurs **along connectors 210, 220** (FIG. 2A). “The various European sales offices may be located by following connectors 210 emanating from the sides of the cell 200 ...” (Strasnick 6:44-47). The connectors are arranged as a tree or at angles and not in a grid akin to a virtual city.

Thus, a skilled artisan reading Strasnick in combination with Rovira without the benefit of hindsight from applicant's disclosure would only understand Strasnick to provide for

connectors at angles or in a tree, and not a grid of navigable channels as in a virtual city. The combination might provide for displaying video on the side of a cell 200, but not on columns 110 or on data blocks 240, which are too small to properly serve as a display surface. Thus, any combination of Strasnick with Rovira would be either impractical or would not provide the claimed invention.

Further, claim 17 depends from claim 1 and therefore incorporates the features of claim 1 described above in section A. Strasnick does not cure the deficiencies of Rovira and does not provide that “the virtual space is initially rendered such that the viewer is positioned at one of a number of predetermined points of entry into the virtual space.”

For at least these reasons, claim 17 is allowable over Rovira in view of Strasnick. Reconsideration is respectfully requested.

C. CLAIMS 19, 20—ROVIRA IN VIEW OF YUEN

Claims 19 and 20 stand rejected under 35 U.S.C. 103 as allegedly unpatentable over Rovira in view of Yuen U.S. Pat. No. 7,143,358. The rejection is respectfully traversed.

Claims 19 and 20 depend from claim 1 and therefore the claims incorporate the features of claim 1 described above in section A. Yuen does not cure the deficiencies of Rovira and does not provide that “the virtual space is initially rendered such that the viewer is positioned at one of a number of predetermined points of entry into the virtual space.” For at least these reasons, claims 19 and 20 are allowable over Rovira in view of Yuen. Reconsideration is respectfully requested.

D. CLAIM 21—ROVIRA IN VIEW OF STRASNICK

Claim 21 stands rejected under 35 U.S.C. 103 as allegedly unpatentable over Rovira in view of Strasnick. The rejection is respectfully traversed.

Claim 21 depends from claim 1 and therefore the claims incorporate the features of claim 1 described above in section A. Strasnick does not cure the deficiencies of Rovira and does not provide that “the virtual space is initially rendered such that the viewer is positioned at one of a

number of predetermined points of entry into the virtual space.” For at least these reasons, claim 21 is allowable over Rovira in view of Strasnick. Reconsideration is respectfully requested.

E. CLAIMS 22-25, 35-36, 41-50, 54, 71 AND 82—ROVIRA AND OFFICIAL NOTICE

Claims 22-25, 35-36, 41-50, 54, 71 and 82 stand rejected under 35 U.S.C. 103 as allegedly unpatentable over Rovira in view of official notice. The rejection is respectfully traversed.

Each of claims 22-25, 35-36, 41-50, 54, 71 and 82 depends directly or indirectly from one of independent claims 1, 55, or 68 and therefore the claims incorporate the features of claim 1 described above in section A. The various statements of official notice and other rationales provided in the Office Action at pages 17-22 do not cure the deficiencies of Rovira and do not provide that “the virtual space is initially rendered such that the viewer is positioned at one of a number of predetermined points of entry into the virtual space.” For at least these reasons, claims 22-25, 35-36, 41-50, 54, 71 and 82 are allowable over Rovira in view of the official notice.

Further, each of claims 22-25, 35-36, 41-50, 54, 71 and 82 recites subject matter that independently renders it patentable over Rovira. For example, claim 48 recites “wherein priority is given to display windows with material content that is less computer-resource intensive, so that these display windows are more likely to be selected as part of the subset of display windows to be rendered to memory, are more likely to remain part of the subset, and are allocated more computer resources while part of the subset.” The Office Action changes the language of the claim by adopting a new interpretation of the claim, and then applies Rovira and official notice to the new interpretation. The interpretation is incorrect. A method can readily give priority to windows requiring less computing resources—for example, the method could give higher priority and display first those windows that consist of static HTML text, and could give lower priority and display last those windows that include complex animated graphics or

other content needing extensive computing resources. This would enable the system to rapidly display as many windows as possible that do not require extensive resources, and then render the remaining windows so that the user sees as many windows as possible.

Neither Rovira nor the official notice provide the claimed subject matter, and therefore the Office Action fails to state a *prima facie* case of unpatentability for claim 48. Moreover, **the very fact that the Office Action adopted an incorrect interpretation and did not believe the claim as originally presented “made sense” is powerful evidence that the claim would have been non-obvious to a skilled artisan at the time the invention was made.**

New claims 84-85 recite the subject matter of claim 48 but are expressed in alternate claim formats rather than method format. Claims 84-85 are allowable over Rovira for the same reasons as claim 48.

Reconsideration is respectfully requested.

III. CONCLUSIONS

For the reasons set forth herein, all claims are believed to be in condition for allowance.

All applicable fees are submitted concurrently herewith. If any applicable fee is missing or insufficient, the Director is hereby authorized to charge any applicable fee to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

/ChristopherJPalermo#42056/

Christopher J. Palermo

Reg. No. 42,056

Dated: September 14, 2007

2055 Gateway Place Suite 550
San Jose, California 95110
Tel: (408) 414-1080x202
Fax: (408) 414-1076